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**VIA ELECTRONIC CASE FILING**

Hon. I. Leo Glasser, U.S.D.J.  
United States Courthouse  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York

Re: ***Trs. of the Local 7 Tile Indus. Welfare Fund, et al. v.***  
***Kimo Tile Company LLC; Case No. 18 CV 03344 (ILG) (CLP)***

Dear Judge Glasser:

This firm represents Plaintiffs in the above-referenced case. Plaintiffs write to respectfully request that the Court reopen this case and schedule a final pretrial conference.

On July 7, 2022, the Court issued a memorandum and order denying Defendant's motion for partial summary judgment in part and denying it in part. (ECF Doc. No. 34). In that same memorandum and order, the Court denied Plaintiffs' cross-motion for summary judgment. (*Id.*). On July 8, 2022, the Clerk entered a judgment based on the Court's July 7, 2022 memorandum and order. (ECF Doc. No. 35). As a result of the Court's decision on the parties' cross-motions for summary judgment, every fact at issue in this case is triable. (*See generally* ECF Doc. No. 34)

Based on the docket for this action, it appears that the Clerk mistakenly terminated this case after the Clerk entered its judgment on July 8, 2022. There is no reason for this case to be closed. The cross-motions for summary judgment were denied. Therefore, the parties must proceed to a trial to resolve this action.

Accordingly, Plaintiffs respectfully request that the Court schedule a final pretrial conference for a date and time convenient for the Court. Defendant has refused to consent to this request on account of the case being marked as "closed."

Plaintiffs thank the Court for its time and attention to this matter.

Respectfully submitted,

/s/

John M. Harras

cc: Counsel of Record (via ECF)